APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,236	08/13/2001	Christopher S. Dunn	12-24 US CIP	5373

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EXAMINER
CHAWAN, SHEELA C

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.		Applicant(s)
Office Action Summary	09/927,236		DUNN, CHRISTOPHER S.
	Examiner		Art Unit
	Sheela C Chawan		2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *13 August 2001*.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-27* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-27* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *13 August 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Drawings

1.   Drawings filed on this 8/13/01 have been approved by Examiner.

Claim Rejections - 35 U.S.C. § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under

section 122(b), by another filed in the United States before the invention by the

applicant for patent or (2) a patent granted on an application for patent by another filed

in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the

effects for purposes of this subsection of an application filed in the United States only if

the international application designated the United States and was published under

Article 21(2) of such treaty in the English language.

        Claims 1-27, are rejected under 35 U.S.C. 102(e) as being anticipated by Borza

(US.5,995,630).

        The applied reference has a common with the instant application. Based upon

the earlier effective U.S. filing date of the reference, it constitutes prior art under 35

U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a

showing under 37 CFR 1.132 that any invention disclosed but not claimed in the

reference was derived from the inventor of this application and is thus not the invention

"by another," or by an appropriate showing under 37 CFR 1.131.

As to claim 1, Borza discloses a method of identifying a biometric information

sensor (column 1, lines 63-67; fingerprint sensor is a biometric information sensor and

fingerprint is identified by the sensor) comprising the steps of:

providing biometric information to the biometric information sensor (figures 2c, 3,

3a, 8; fingerprint reads on the biometric information and fingerprint sensor reads on the

biometric information sensor);

within the biometric sensor, digitizing (column 4, lines 47-54) at least some of the

biometric information to provide digital data within the biometric information sensor;

within the biometric sensor, encoding a value within the digital data, the

encoded value related to the digital data and determined in accordance with a known

method unique to biometric information sensors approved by a same source and

indicative of the same source (figures 3, 3c, 4b, 7a, 8); and method unique to biometric

information sensors approved by a same source and indicative of the same source; and

providing the digital data with the encoded value (figures 3, 4b, 7a, 8) therein

from the biometric information sensor (figure 8) to a computer, the digital data absent

the encoded value sufficient for determining the encoded value therefrom, wherein a

comparison (figure 2a-b) between the encoded value and another value determined

according to the known method is suitable for identifying (figures 7 a-b) the biometric

information sensor as approved by the same source (column 10 line 550 to column 11

line 11).

As to claim 2, Borza discloses a method of identifying a biometric information

sensor (figures 7b, 8) wherein the encoded value is shared between the biometric

information sensor and the computer to identify the biometric information sensor to the computer (3, 4b, 7a-b, 8).

As to claim 3, Borza discloses a method of identifying a biometric information sensor (figures 7b, 8) further comprising the step of receiving a signal comprising data at the biometric information sensor (figures 7b, 8) from the computer, and wherein the step of encoding a value (figure 7a) is performed in dependence upon the received data.

As to claim 4, Borza discloses a method of identifying a biometric information sensor wherein the encoded value is related to the digital data in a deterministic fashion based on the received data (figure 3).

As to claim 5, Borza discloses a method of identifying a biometric information sensor wherein the encoded value is independent of any encoded data for determining data integrity (column 10, lines 50-65).

As to claim 6, Borza discloses a method of identifying a biometric information sensor wherein the encoded value relates the biometric information sensor (figure 3) and the digital data to an identifiable biometric information sensor.

As to claim 7, Borza discloses a method of identifying a biometric information sensor wherein the digital data comprises a single image data frame (column 4, lines 55-67).

As to claim 8, Borza discloses a method of identifying a biometric information sensor wherein digital data comprises a plurality of different image frames (column 11, lines 24-27).

As to claim 9, Borza discloses a method of identifying a biometric information sensor comprising the steps of: receiving the digital data at the computer (figure 3); decoding (figure 9, element 78) the digital data to determine biometric data and an encoded value (figure 3); using the determined biometric data, determining at least another value related to the biometric data (figure 4; note compare circuit needs at least two values),and according to the known method;

comparing (figure 4) the at least another value to the encoded value to provide a comparison result; when the comparison result is indicative of a match (figures 2a-b), authorizing the data as originating from an approved biometric information sensor.

As to claim 10, Borza discloses a method of identifying a biometric information sensor comprising the steps of:

receiving a unique ID from the biometric information sensor at a processor of smart card interfaced therewith (column 8, lines 44- 45; a physical storage device reads on card);

compare the received unique ID with data indicative of the unique ID stored in memory of the smart card in order to produce a comparison result (fig 2a, column 8, lines 44-59);

if the comparisons result is indicative of a match, providing a certifying signal certifying the unique ID of the biometric information sensor to the computer (column 8, lines 48- 59, fig 2a)

As to claim 11, Borza discloses a method of identifying a biometric information sensor comprising the step of receiving a unique number from a card interfaced with the

biometric information sensor (column 6, lines 56-59).

As to claim 12, Borza discloses a method of identifying a biometric information sensor wherein the value is determined using the unique number (column 6, lines 56-66) .

As to claim 13, Borza discloses identifying a biometric information sensor, wherein the value is encoded using the unique number (fig 3).

As to claim 14, Borza discloses identifying a biometric information sensor, wherein at least a portion of the determination of the value is performed using a processor of a smart card interfaced with the biometric information sensor (fig 2a-2c).

As to claim 15, Borza discloses a method of identifying a biometric information sensor, wherein at least a portion of the encoding of the value is performed using a processor of a smart card interfaced with the biometric information sensor (fig 3).

As to claim 16, see the rejection of claim 1 above.

As to claim 17, Borza discloses a method of identifying a biometric information sensor comprising the steps of:

receiving the digital data comprising the encoded value from the biometric input sensor at the computer figures 2c, 3, 3a, 8; fingerprint reads on the biometric information and fingerprint sensor reads on the biometric information sensor);

decoding the digital data comprising the encoded value (fig 2c) according to a method substantially the reverse of the method of encoding a value, the step of decoding to decode a value (column 6, lines 61-66, column 11, lines 34-40).

determining a second value according to the method of determining a value

(column 6 line 48 to column 8 line 30; column 10, line 50 to column 11 line 11); and

comparing the decoded value and the second value to determine whether the

biometric information sensor is an authorised biometric information sensor (column 6

line 48 to column 8 line 30; column 10, line 50 to column 11 line 11).

As to claim 18, Borza discloses a method of identifying a biometric information

sensor wherein the data provided from the computer to the biometric information sensor

is a synchronisation signal comprising one of a number, a date, and a time (column 7,

lines 18- 19, column 8, lines 18- 30).

As to claim 19, Borza discloses a method of identifying a biometric information

sensor wherein the method of determining a value is one of a plurality of predetermined

deterministic methods (column 6, lines 48- 66, column 7, lines 53- 56) of determining a

value each identified by a numeric identifier (column 7, lines 33- 35).

As to claim 20, Borza discloses a method of identifying a biometric information

sensor, wherein the method of encoding a value is one of a plurality of predetermined

methods of encoding a value each identified by a numeric identifier (column 6, lines 48-

66, volumn 7, lines 53- 56) .

As to claim 21, Borza discloses a method of identifying a biometric information

sensor, wherein providing the digital data comprising the encoded value to the computer

is performed by providing a signal comprising a frame pulse and the digital data

comprising the encoded value disposed within an image data frame (column 7, lines

14- 29).

As to claim 22, Borza discloses a method of identifying a biometric information sensor wherein encoding of the value is performed by inserting the value at a predetermined location within the image data frame (column 7, lines 40-52, column 8, lines 1-10).

As to claim 23, Borza discloses a method of identifying a biometriec information sensor, wherein encoding of the value is performed by replacing a portion less than the whole of the digital data with a portion of the value (column 6, lines 61-66).

As to claim 24, see the rejection of claim 1 above.

As to claim 25, Borza discloses a method of identifying a biometric information sensor, wherein the step of encoding a value is varied at intervals (column 3, lines 48-66).

As to claim 26, Borza discloses a method of identifying a biornetric information sensor, wherein the data provided from the computer is varied at intervals (fig 8, column 3, lines 48- 66).

As to claim 27, Borza discloses a method of identifying a biometric information sensor wherein the digital data is indicative of an identification of the biometric sensor beyond mere approval by the same source (column 10, line 5 to column 11 line 11).

Other prior art cited

3.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Meadows,II et al. (US,5,869,822) discloses automated fingerprint identification system .

Roustaei (US.6,358,352 B1) discloses system and method for reading and comparing two-dimensional images.

Nielsen (US.5,953,415) discloses fingerprinting plain text information .

Gullman et al.(US.5,280,527) discloses biometric token for authorizing access to a host system.

Cargile et al.(US.4,819,267) discloses solid state key for controlling access to computer system and to computer software and /or for secure communications.

Contact Information

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sheela C Chawan whose telephone number is 703-

305- 4876. The examiner can normally be reached on Monday through Thursday 7.30

a.m. to 6.00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Bhavesh Mehta, can be reached on (703) 308 - 5246. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3800.

Sheela Chawan
Patent Examiner
Group Art Unit 2625
Feb 20, 2004

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